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SEC

SERVICE DATE – NOVEMBER 4, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42090

WTL RAIL CORPORATION–PETITION FOR DECLARATORY RELIEF

STB Ex Parte No. 230 (Sub-No. 8)¹

IMPROVEMENT OF TOFC/COFC REGULATION–
WTL RAIL CORPORATION PETITION FOR PARTIAL
REVOCATION OF EXEMPTION

Decided: November 3, 2005

On December 14, 2004, WTL Rail Corporation (WTL) filed a petition under 5 U.S.C. 554(e) and 49 U.S.C. 721 seeking a declaratory ruling from the Board that: (1) certain practices of CSX Transportation, Inc. (CSXT) constitute an unreasonable practice in violation of 49 U.S.C. 10702 and 10704(a)(1); and (2) CSXT's refusal to use WTL's trailers as part of its 48-foot trailer fleet jeopardizes CSXT's ability to fulfill its car service obligations under 49 U.S.C. 11121-22. WTL seeks a cease and desist order. WTL also asks that the Board compel CSXT to use WTL's trailers and set a "default" rate for trailer compensation in the event the parties are unable to reach terms through negotiation. WTL concurrently filed a petition under 49 U.S.C. 10502(d) and 49 CFR 1121.1, *et seq.* for partial revocation of the class exemption adopted in Improvement of TOFC/COFC Regulation, 364 I.C.C. 731 (1981).

By letter filed on November 1, 2005, WTL has advised the Board that it is withdrawing the petitions it filed in these proceedings because it has reached a settlement with CSXT pertaining to the matters in dispute. WTL requests that the proceedings be dismissed with prejudice.

WTL's request will be granted, and these proceedings will be dismissed with prejudice.

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

It is ordered:

1. These proceedings are dismissed with prejudice.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary